

Wednesday, April 4, 1923

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Anderson, Butler, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mitchell, Overstreet, Phillips, Putnam, Rowe, Russell, Scales, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—31.

A quorum present.

Prayer by Chaplain.

Reading of the Journal was dispensed with.

The daily Journal of April 3rd was corrected and, as corrected, was approved.

The following communication from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., April 3rd, 1923.

Hon. T. T. Turnbull,

President of the Senate.

Sir:

I am directed by the House of Representatives to invite the Senate to meet with the House in the Hall of Representatives at eleven o'clock tomorrow morning, April 4th, 1923, for the purpose of receiving the Governor, who has indicated a desire to deliver his address at that hour.

I am further directed to say that the House, by Resolution, has advised the Governor of its desire to hear him at that time, and a committee from the House has communicated this message to the Governor.

The House ventures to express the hope that the Senate will find this suggestion agreeable to its own wishes.

Very respectfully,

B. A. MEGINNISS,
Chief Clerk House of Representatives.

Mr. MacWilliams moved that the Senate accept the invitation, and that the Senate proceed in a body to the Hall of the House of Representatives and join that body to receive the Governor.

Which was agreed to.

Mr. MacWilliams moved that the President appoint a committee of three to inform the Governor that the Senate would join the House of Representatives in joint session, at the hour of 11 o'clock a. m. to receive him.

Which was agreed to.

The President appointed Messrs. MacWilliams, Russell and Anderson as said committee.

The committee retired from the chamber to discharge the duty assigned it.

Mr. MacWilliams moved that a committee of three be appointed by the President to wait on the House of Representatives and notify them of the acceptance of their invitation to join them in session to receive the Governor.

Which was agreed to.

The President appointed Messrs. Stokes, Singletary and Hodges as said committee, and by permission they retired from the chamber to discharge their duty.

The President handed down the following committee appointment:

COMMITTEE ON RULES AND PROCEDURE

J. B. Johnson, Chairman.
Jno. S. Taylor,
R. H. Rowe,
H. H. Wells,
D. E. Knight.

The committee appointed to notify the House of Representatives that the Senate had accepted their invitation to

meet them in joint session appeared at the bar of the Senate and reported that they had performed the duty assigned them, and were discharged.

REPORTS OF COMMITTEES

Mr. Johnson, Chairman of the Committee on Rules, submitted the following report:

Senate Chamber,
Tallahassee, Florida, April 4, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Rules begs to make the following report:

Your Committee recommends that the Rules of the Senate as adopted by the session of 1921 be adopted and become the rules of the Senate for the session of 1923, with the following amendment:

That Rule No. 4, under the title of "Committees," be amended to read as follows:

1. Unless otherwise specially ordered by the Senate, the President of the Senate shall appoint at the commencement of the session the following standing committees, viz:

On Audit and Control of Legislative Expenditure, to consist of five members.

On Appropriations, to consist of nine members.

On Re-forestation and Agriculture, to consist of seven members.

On Banking, to consist of five members.

On Capitol, State Buildings and Grounds, to consist of five members.

On Cities and Towns, to consist of five members.

On Constitutional Amendments, to consist of five members.

On Commerce and Navigation, to consist of seven members.

On Claims, to consist of five members.

On Corporations, to consist of five members.

On County Organization, to consist of five members.

On Drainage, to consist of five members.

On Education, to consist of seven members.

On Engrossed Bills, to consist of five members.

On Enrolled Bills, to consist of five members.

On Executive Communications, to consist of five members.

On Finance and Taxation, to consist of nine members.

On Game and Fisheries, to consist of seven members.

On Insurance, to consist of five members.

On Judiciary "A," to consist of nine members.

On Judiciary "B," to consist of nine members.

On Mining and Mill Resources, to consist of five members.

On Military Affairs, to consist of five members.

On Miscellaneous Legislation, to consist of nine members.

On Organized Labor, to consist of five members.

On Pensions, to consist of five members.

On Public Printing, to consist of five members.

On Public Utilities, to consist of five members.

On Privileges and Elections, to consist of five members.

On Prisons and Convicts, to consist of five members.

On Public Roads and Highways, to consist of nine members.

On Public Health, to consist of five members.

On Rules and Procedure, to consist of five members.

On State Institutions, to consist of five members.

On Temperance, to consist of five members.

Your committee further recommends that Rule No. 13 be amended to read as follows:

1. No rule shall be changed or suspended except by vote of two-thirds of the members voting, a quorum being present.

And that Rule No. 10 be amended to read as follows:

1. When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on the next day of the session thereafter, move a reconsideration thereof, and such motion (except during the last seven calendar days of the session) shall be placed first in the order of the day for the day succeeding that on which the motion was made; and if the Senate shall refuse to consider or upon reconsideration shall confirm its first decision, no further motion to reconsider shall be in order, unless by unanimous consent.

Very respectfully,

J. B. JOHNSON,
Chairman of Committee.

Mr. Johnson moved that the report be adopted.
Which was agreed to.

The Senate Committee to wait upon the Governor to inform him that the Senate had accepted the invitation of the House of Representatives to meet in Joint Session to receive him, reported that they had performed the duty assigned them and were discharged.

The hour of eleven o'clock A. M. having arrived, the Senate proceeded in a body to the Hall of the House of Representatives and were received by the House.

JOINT SESSION OF SENATE AND HOUSE OF REPRESENTATIVES.

The Senate and House of Representatives merged into a joint body at 11 o'clock A. M.

President of the Senate, Hon. Theo. T. Turnbull, in the chair.

The roll of the members of the Senate was called and the following Senators answered to their names:

Mr. President, Senators Anderson, Butler, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Putnam, Rowe, Russell, Scales, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—31.

A quorum present.

The roll of the members of the House of Representatives was called and the following members of the House answered to their names:

Mr. Speaker, Messrs. Acree, Adams, Bell, Bishop, Bludworth, Brock, Bryant, Bullard, Busto, Byrd, Carmichael, Carroll, Davis, Dew, Epperson, Ferrell, Fletcher, Geiger, Getzen, Giles, Gregory, Griffin, Hale, Harper, Harris, Harvell, Henderson, Hendry, Hinson, Hocker, Jones, Kennerly, Knowles, Lake, Lewis, Lord, Mahr, Matthews (Alachua), Matthews (Bradford), Mayo, Mays, Mercer, Merchant, Milam, Miller, McCall, McClellan, MacKenzie (Lake), McKenzie (Putnam), McLeran, McNeill, McRae, Nolte, Ogilvie, Parrish, Peiper, Pinholster, Powers, Regis-

ter, Rivers, Shear, Shelly, Smith, Stokes, Stuart, Taylor (Highlands), Taylor (Hillsborough), Tervin, Tillman, Ulmer, Van Roy, Wade, Weaver, Weeks, Weidling, Wetherington (Hamilton), Whitty, Willard, Williams (Hardee), Williams (Leon), Witherington (Orange), Witt, Young—84.

A quorum present.

The Chair announced the organization of the Joint Body.

Senator Malone, of the 24th District, moved that a committee of three be appointed, one of said committee to be appointed by the President of the Senate and two of said committee to be appointed by the Speaker of the House of Representatives, to notify the Governor that the Legislature in Joint Session and the Joint Body was ready to receive him.

Which was agreed to.

The President appointed Senator Malone on said committee on the part of the Senate.

The Speaker appointed Messrs Stuart and Taylor as members of the said committee on the part of the House of Representatives.

The committee withdrew to notify the Governor that the Joint Body stood ready to receive him.

The committee to notify the Governor that the Legislature of the State of Florida was ready to receive him appeared at the bar of the House of Representatives and reported the performance of their mission.

The Governor appeared and was received by the Joint Body and was presented to the body by the presiding officer.

The Governor delivered his address as follows:

ADDRESS OF THE GOVERNOR.

The Senate and House of Representatives of the Florida Legislature:

Section 9 of Article 4 of the Constitution of Florida is as follows:

"The Governor shall communicate by message to the Legislature at each regular session information concerning the condition of the State and recommend such measures as he may deem expedient." In keeping with the foregoing provision of our Constitution, I have the honor of submitting for your consideration the following information, together with such recommendation as would seem appropriate at this time.

The bonded indebtedness of the State amounts to the sum of \$601,506.00, which bonds are now owned by a division of the State Government, to-wit: the State Board of Education. At the convention of the Legislature of 1921 I recommended a plan for the gradual and easy retirement of this indebtedness, of which plan the present State Treasurer was the author. In brief, it was the creation of a sinking fund commission composed of the Cabinet Members identical with the personnel of the State Board of Education, to-wit: the Governor, Secretary of State, Attorney General, State Treasurer and State Superintendent of Public Instruction. It was further recommended that the interest on State deposits in the various banking institutions be paid to the Sinking Fund Commission and invested by such Commission in that class of securities which the law authorizes the State Board of Education to purchase and hold with educational funds; that when the securities and cash in the hands of the Sinking Fund Commission amount to as much as the bonds, to-wit: \$601,506.00, then the Sinking Fund Commission will be authorized to tender and the State Board of Education will be authorized to accept such securities and cash in lieu of the State bonds in the aforesaid amount and thereupon immediately cancel the State Bonds. The Legislature passed an Act carrying such recommendation into effect. The Sinking Fund Commission was created, thereby, and now has on hand from the sources referred to, including April 1st payments of interest from

banks, which is estimated at the sum of \$140,359.16 in both securities and cash. It will be seen that within about six years these accumulations will be sufficient to liquidate and retire in full the bonded indebtedness of the State.

We are fortunate in that we are not heavily bonded, and to my mind that provision of the Constitution which prohibits the bonding of the State, except for very extraordinary purposes, such as invasion in time of war, etc., is a very salutary one.

While the State is measurably free from bonded indebtedness, I cannot say as much for the individual counties of the State. There are, no doubt, times when counties and municipalities find it necessary to issue long time obligations. There are, no doubt, worthy purposes in the way of improvements demanded by the people requiring such expenditures. I believe, however, that there is too great a tendency on the part of our people to recklessly incur heavy obligations, which the coming generation must somehow pay off. Some of our municipalities and counties, and especially some of the school and road districts of many of the counties, have incurred heavy bonded indebtedness which will, I fear, embarrass them in the future. It would seem that an improvement which has merit enough to warrant the issuance of bonds for its building should be of a permanent nature, the life of which certainly should last as long as the life of the bonds which provided funds for its construction. I feel that the time has come when we should adopt measures and policies looking toward the discouragement of the issuance of long time securities, rather than their encouragement.

STATE INSTITUTIONS

It is a source of great satisfaction to be able to report no deficit at any of the State Institutions. So far as it has been possible to do so the Board of Commissioners of State Institutions have done the necessary construction of buildings and purchases of equipment authorized by the Legislature of 1921. Such construction at each of the institutions where authorized has been held strictly within the appropriations. In fact, in many cases there was a surplus left over from the purchase of equipment and from the construction programs which reverted, by operation of law, to the General Revenue Fund. The maintenance of

the several institutions has been handled in the same business-like way. When the Legislature met in 1921 they were confronted with a deficit of \$177,623.20 at the State Hospital for the Insane. They were met with a deficit of \$41,784.52 at the Industrial School for Boys. It is a source of satisfaction and I am sure you are pleased in knowing that there are no deficits whatever at these or any other institutions supported by the State. By reference to the Budget, which has been prepared and a copy of which will be placed in the hands of the individual members of the Legislature, it will be seen that these institutions can be maintained for the next bi-ennium without any increased appropriations, except reasonable increases at the institutions of higher learning. Where the appropriation strictly for maintenance is based upon a per capita basis, the total will show some small increases owing only to the increased number of people to be cared for by the State. The individual per capita appropriation, however, has not been increased.

TAXATION AND ECONOMY IN EXPENDITURES

The people of Florida are in the anomalous position of demanding more and more of government each year and at the same time demanding less taxes. With advancing civilization we can hardly hope for the things which go with it requiring heavy expenditures, and at the same time pay less in taxes for them. It would be futile to submit a comparison of statistics showing the increase from year to year for the last twenty years in public expenditures for the various governmental purposes. You are familiar with them. The people of the State are demanding, and justly so, good schools and commodious school buildings. They are likewise demanding good roads. They are calling for better and more efficient governmental machinery for the dispatch of the people's business, and they are more disposed than ever before to pay those in the public service, whether it be official or employee, more adequate salaries; all of which requires a constant increase of revenues. While the Legislature, listening to the demands of the people, make provision for these things, when it comes to paying for them there is an outcry all over the State against the increase of taxes. Let us put the responsibility where much of it belongs. The people, themselves, as well as the press, who are de-

manding a reduction of taxes, seem to point their finger at the State Government and demand that such reduction be made by the State. They are losing sight of and failing to note the source from whence comes the main burden of taxation. *The millage for State purposes has not during the present administration been increased, but on the contrary, it has been decreased.* Less than one-fifth of the money which the people pay for taxes finds its way into the State Treasury. All of the taxes paid to the municipalities remain in such municipality, and the people themselves determine what amount they shall pay, and of such sums paid to the municipalities the State does not share and has no control. On an average nearly four-fifths of the State and County taxes is left in the several counties, and the people of each county determine for themselves how much they wish to pay for county purposes. The average man has not stopped to consider what a small part of his taxes really goes for State purposes. If the people of given counties demand reduction in taxes, let them look at their own doors for the remedy.

While the foregoing is true as regards the division of our revenues and the sources of power which authorizes their collection, it is nevertheless true that the obligation rests upon the State to so regulate the tax laws that the burdens will be equally distributed. No individual should pay more proportionately than his neighbor, and no county should pay more proportionately to the State for State purposes than her sister county. There is a further obligation on the part of the State to economically administer those public revenues which it has for administration. Candidly, I feel that the State Government of Florida is maintained on a reasonably economical basis. I am somewhat familiar with the governments of the various States of the Union and I have no hesitancy in saying that there is no State in the Union whose State Government is more economically administered than the State of Florida. The whole question resolves itself into a proper equalization and a fair distribution of the tax burden. How this shall be accomplished, what measures may be provided by your body, looking to this end, is of chief concern. There are millions of property values in Florida escaping taxation entirely. There are other hundreds of millions of property values now on the assessment roll at a mere fraction of its value.

We must find some plan for bringing all the property liable for taxation upon the tax rolls and that at some reasonable value.

Every taxpayer should be required to make a complete tax return, and penalties for failure to do so should be provided.

A competent central authority, such for instance as we now have in our State Tax Equalizer Law, should be maintained and vested with plenary power, looking toward an equitable adjustment of the tax burdens as between counties.

A thorough re-valuation of the property of each county, under local agencies of each county who are familiar with values, and subject to the advice and direction of the State Equalizer, should be had. No tax assessor is really assessing taxes when he simply copies the roll for the preceding year.

A Constitutional Amendment looking towards a classification of property for taxation purposes should be submitted.

LEGISLATIVE APPORTIONMENT

The Constitution of the State fixes the maximum number of membership in the House of Representatives at 68 and the Senate at 32. The present Legislature has 32 Senators and 84 members of the House. Since the adoption of the Constitution in 1885 a large number of counties have been created. By virtue of a Constitutional provision each newly created county was given one Representative in the House, and in each case was included in the same Senatorial District of which it was before creation a part. The effect has been, we have a Legislature with a House membership far in excess of the maximum number allowed by the Constitution. When the Constitution was adopted thirty-eight years ago most of the population of the State and by far the larger developments were in North and West Florida. It was but natural that the sections then most populous would receive the largest representation in the Legislature. Framers of the Constitution, however, looking down the years, appreciated the fact that some sections would develop more rapidly than others, and a spirit of fairness and equity would therefore require a constant reapportionment of Legislative membership. With this idea in view, the Constitution provided that

there should be a reapportionment in the Legislature of 1887 and each and every ten (10) years thereafter. The Legislatures which have met in the past have failed to heed the provision of the Constitution in this respect. And, as a result, there are many counties and sections in the State which have not their equitable share of representation in the law-making body.

We now have sixty-one counties. The last Legislature created seven new counties and, of course, we do not know how many the present session of the Legislature may create. But with a maximum limit now fixed in the Constitution of sixty-eight members for the House and with the number of counties now nearly as many as sixty-eight, and as it is only a question of a few years before the number of counties will exceed sixty-eight, I do not believe it practical to bring about a reapportionment under the present Constitution. An amendment to the Constitution is clearly necessary. In justice to all sections of Florida, I wish to recommend a submission to the people for their ratification a Constitutional amendment which will provide for a just and equitable apportionment of Legislative representation for each and every section of the State. If you find it possible to reapportion within the limits of the present Constitution, I shall be very happy if you will do so, but when you have carefully studied the question I am sure you will be forced to the conclusion that a Constitutional Amendment is essential.

AGRICULTURE AND LIVESTOCK

Agriculture, in all of its branches, including horticulture, trucking, etc., constitutes the basic industry in Florida. Money economically expended for the encouragement of agriculture and in the protection and development of live stock, will produce substantial dividends for the State.

We have, through the legitimate use of public funds, with the aid of scientific discoveries, practically eliminated cholera from hogs and tuberculosis from cattle. It required the expenditure of money both on the part of the National Government and of the States as well. No one can deny that sums thus expended were wisely used. We have eradicated citrus canker from the citrus groves of Florida; we are making investigations and experiments regarding all of the various farm crops which, no doubt, will mean great improvement to the agricultural interests

of the State, the State Plant Board and the experiment station at the University of Florida, largely taking the lead in these investigations and in this important work. The Budget which will be submitted carries the recommendation for substantial appropriation for these agencies which have particularly in view the development of our agricultural interests. I want to bespeak for them your sympathetic interest and support of the appropriations thus recommended. I would also suggest some measure for the protection of our people against any dealer or commission man who would deal dishonestly with the shippers. I also bespeak your support and maintenance of the State Marketing Bureau, which agency, I believe, is of much benefit to the people of Florida.

TICK ERADICATION

The cattle industry of Florida is worth a great deal to the State. It is worth enough that the State ought to adopt those measures which mean its preservation and the opening up of markets. Perhaps there was a time when people might question the propriety of tick eradication. I think now that very few well-informed men would be so bold as to say that it is not a good thing. It is not my purpose to discuss the merits of the question. I regard that as long since settled. We are now face to face with a very practical situation. Systematic tick eradication has progressed in a very satisfactory manner in all of the States about us, and quarantines protecting the recovered areas are in effect. The result is that we are unable to ship cattle from Florida to any great extent, but to very few points in the country. The markets are practically closed to us, all because we have not wholeheartedly prosecuted the work of systematic tick eradication. As a rule the people resent innovations. Great constructive measures in government have come slowly and only after bitter fights, but a policy that is backed by merit will eventually win. This observation strictly applies to tick eradication. What is the use of Florida to delay longer in systematic tick eradication work? It is shortsightedness on our part and a ruinous policy for a great industry. I trust that the Legislature will pass an effective measure at this session with an adequate appropriation for its enforcement, having for its purpose the eradication of cattle fever tick.

THE STATE ROAD DEPARTMENT

We can, with profit, consider briefly the history of the organization of this department and the several Acts of the Legislature under which it has operated.

The department was created by the Legislature of 1915; its chief duty was to employ a competent road builder and assistants and to collect data as to the best methods of road building. The Act provided that competent road builders (we now call them Highway Engineers) should be sent into the various counties to advise and assist them in the road work. No provision was made for any road building direct. The primary object in creating the department was to furnish means by which the State might obtain the benefit of the knowledge and services of competent road builders, and so originated what we may term the educational feature of the Road Department.

The first Federal Aid Act was passed by Congress in 1916 and the Florida Legislature of 1917 enlarged the powers of the department and increased its resources in order that we might be able to meet Federal Aid and thus secure the benefit of the National funds allotted to this State.

In 1919 and again in 1921 the Legislature passed laws affecting the department and increasing its resources for road construction. The authority and means to build roads directly by the department was given by the Act of 1917, but in this Act and in the several laws subsequently passed what we term the educational feature of the department was continued. It is still the duty of the department to collect data and to advise and assist the counties in their road work. The department now being engaged in road construction and still retaining its educational feature, it may be said that its relation to road work is that of an educator by precept and example.

This service has been worth while. The engineers of the department are familiar with the science of road building. They know how to locate the road, to give it the proper alignment and drainage. They study the various methods of paving, and their study of this and paving materials goes on continuously and many of the problems which formerly perplexed us have been solved.

The State Road Department may be said to be a central agency gathering knowledge of the science of road building which it in turn passes to the local authorities. The counties have generally been glad to avail themselves of this ad-

vice and assistance, and it can truthfully be said that this department has been a large factor in raising the standard for road construction and stopping much of the waste of public funds which so generally prevailed at the time of the creation of this department.

Under Acts of Congress a large amount of equipment of all kinds useful in road building which the National Government accumulated during the War has been distributed to the States. This equipment is sent to the Highway Departments, as the National Government deals in road matters only with the State Road Departments. A large part of this equipment received by Florida has been distributed to the counties as an aid in road work.

With the passage of the Act in 1917 giving power to build roads, the department has construed, and rightfully so, that the first duty should be to build a system of State roads. The Road Department is a State Institution, and it is entirely logical to provide that this State Institution spending money contributed by all parts of the State should first build and maintain those roads which were planned and laid out so as to serve the whole State. The building of our roads was not to be controlled by districts, counties or local communities, but to be located and built as State properties, designed to best accommodate and promote the best interests and welfare of the people of the whole State. The Road Department has done well in its work and should receive the support of this Legislature. It was a great constructive service which was undertaken in its creation. It had its experimental stages to live through. It had to contend with various local interests, with strong pressure brought to bear upon it from nearly every locality in the State. This preliminary work and the mistakes incident to its first years of service are largely a matter of history. The department is now well organized with competent road building forces in the field, and is doing splendid work. Shall we go back to the old county system and attempt to do that impossible thing of building a good road that leads from every man's home to the nearest town, or shall we build a practicable system of roads that can be built with the means at hand and which will serve the largest possible number of people? Can it be possible that any one would favor going backward and leave the great problem of road building entirely in the hands of the county and district officials? Let us always keep in mind that it is impossible to build at once all the

roads that all the people are demanding. The best the State can do is to lay out and build and sometimes aid the counties in building a comparative number of roads that will serve the largest number of people. The best the counties can safely attempt is to lay out and build county systems that will serve the largest possible number of people in the county. *The hope of a connective system of roads in Florida lies with the State Road Department and the realization of that hope depends upon the measure of support accorded this department by the people of the State.*

I would recommend that the Road Department be maintained and no changes whatever be made in its organization. Such a change, if one should be contemplated, would simply mean starting largely from the ground again.

I would further recommend that the revenues of the department be secured—

First, through the automobile license law as it now exists, with such minor changes as may make for its equitable administration;

Second, by levying a largely increased tax on all gasoline sold within the State, making careful provision in the law insuring the payment of such sum on all of the gasoline sold. Heretofore much of it has escaped the 1c per gallon tax now in effect.

Third, the acceptance by the State of such sums as may be allotted to it by the National Government, through the Federal Bureau of Public Roads.

Incidental measures of your body should include an Act of eminent domain giving the State Road Department authority to condemn rights of way and also lands upon which road building material may be found and needed for road construction; measures looking toward the policing and protection of State roads from trespass; measures authorizing the adoption of a budget or schedule of work. Also, an Act should be passed authorizing the State Road Department to adopt rules and regulations controlling traffic on State highways. Also, an Act giving the Railroad Commission authority to regulate truck companies using the public highways, and securing from such companies proper compensation for the use of such highways. There are, no doubt, other incidental measures which will occur to you and which should receive your consideration. The above, however, are those which appear to me of vital interest and importance.

In view of the possibility that some years will elapse before the State Road Department can expect to extend its construction program into every county in the State, some policy should be developed which would enable each county to benefit from its services and expenditures. The experience of other States has emphasized the necessity of State maintenance of the trunk lines and also inter-county highways, thus insuring uniformity in the class of maintenance provided and also insuring to each county benefits from the activities of the State Road Department. This policy can be maintained if you will provide for the payment of a largely increased tax on gasoline and not dissipate any portion of it by taking it from the department. I believe that the revenues to be derived from the sources referred to herein should be used exclusively for the department and that the 1 mill tax now levied for road purposes by the State should be discontinued. If the policy of maintenance is provided for it will be of very great benefit to the individual counties, and if you will take from off these counties the 1 mill levied for State Road purposes there will be such further financial benefit coming to them that they can well afford to release all demands whatever upon any part of the funds which may be derived from the sources of revenue enumerated above. Let me say now that Florida will never have a well-connected system of public roads if you attempt to localize their building and do not make full provision for the necessary revenues which the State Department must have in its work.

PRIMARY ELECTION LAW

When the present Primary election law was adopted I thought of it as a constructive measure. It seemed to me any means whereby a second primary could be eliminated necessarily had much merit. If the elector could register his second choice vote at the same time that he voted his first choice, then it meant the elimination of a second primary with its incident turmoil and expense.

I have stood in the past for the integrity of the measure against the assaults which have been made upon it at each session of the Legislature since its adoption. I have had opportunity during the years in which it has been tried to observe and study its practical operation, and against my inclination I have been forced to the conclusion that those provisions of the law affecting second choice voting

are a practical failure. The law has been in operation for ten years. We have held five primary elections under it. We have given it a fair trial. It has not been satisfactory. The people of the State in large numbers are not voting a second choice ballot. I question if there were any large number, relatively, of voters who voted a second choice at the election of 1922 than there were under the law in 1914. It is hard to eradicate the idea rather prevalent that one voting for second choice may have the effect of nullifying his vote for first choice. Besides this, the average voter when the election is held is not thinking or caring at that particular time about a second choice candidate. They are absorbed only with their first choice. This state of mind causes the voter not to utilize the opportunity of indicating a second choice preference.

Another feature that we have been unable to overcome is the seeming impossibility of properly counting the second choice votes. The law is generally not understood by the inspectors in the various election precincts. Neither do they generally understand the forms, simple though they may be, which must be used in recording the second choice votes. We are therefore confronted with the situation of an improper tally in a great many cases. These two practical situations we have been unable to overcome. As a result, primary nominees have in many cases obtained their nomination, not by a majority vote of the people, but by a plurality vote. I would suggest and recommend that the primary election law be so amended permitting and requiring a second primary election for those candidates who have not obtained a majority vote in the first election.

CONSERVATION OF NATURAL RESOURCES

There is no more important question confronting the people of this country than the conservation of our natural resources. No State in the Union should be more interested in this subject than Florida. In marketing the products of our industries and in the necessary development of building projects, a great deal of crate material and timbers for various purposes are required. The available supply is being rapidly depleted. What steps are being taken looking toward a future supply? We should cooperate with the National Government in every possible way in its forestry program. We should protect the forests against fires by adequate and effective laws. We

should eliminate the boxing and destruction of very small trees. And, we should adopt some measures looking toward the encouragement of reforestation over vast tracts of cut-over lands.

There is another phase of natural resource conservation which should receive your attention. I refer to our fresh water fish and game. Florida is unusually blessed with an abundance of fish and game, but unless provision is made for its proper use and conservation it is only a question of a few years before the supply will be very greatly reduced. It is one of the State's greatest assets. Thousands of people come to Florida every year to enjoy hunting and fishing. Our own people are true sportsmen and likewise enjoy the sport. Naturally, its conservation should demand the serious consideration of the Legislature. I recommend the creation of a department for the conservation of fresh water fish and game. This department should have at its head upon an adequate salary a Commissioner with the power to select county game wardens in the various counties of the State. A nominal license for hunting and fishing paid by all who indulge in the sport would not only make the department self-sustaining, but would be a substantial source of revenue to the State. The fish and game should be considered the property of all the people, and there is no reason why its exploitation should not bring into the State substantial revenues over and above the amount necessary to adequately maintain the department. To the solution of this very necessary problem I invite your careful consideration.

EDUCATION AND SOCIAL LEGISLATION

The education of the youths of the State is of that importance that the framers of our Constitution have created a Constitutional department of our State Government and made provision for the election of a State Superintendent to preside over that department. Education is of primary importance because it has to do with the making of the citizenship of the future. The time has passed when it is necessary to argue the importance of making provision for the maintenance of our common schools and for the support of our institutions of higher learning. The people in Florida are willing, indeed, to support our schools and have so expressed themselves on all occasions. At the last election a Constitutional amendment was overwhelm-

ingly adopted authorizing sub-school districts to raise their maximum millage from three to ten mills. While the State may not appropriate directly for the support of the common schools you will, no doubt, have to do with the measures which affect the common schools. I believe that we can not too strongly insist upon a sane, sensible policy of school administration, having for its purpose the securing of one dollar's worth of service for every dollar expended. Neither can we insist too strongly upon those measures which have for their purpose the requiring necessary preparation on the part of school officials, including teachers, who must administer our school laws and teach our children. The Institutions of Higher Learning in Florida are a credit to the State. The budget which will be submitted proposes substantial increases in the appropriation made necessary by the large increase in student body. I hope that you will be willing to make the necessary appropriations for their maintenance.

PRISON MANAGEMENT

In the main I believe the system for the care and working of convicts in Florida is as good as can be devised. All of the grade number one convicts are worked upon the public roads under the State Road Department, except the law permits thirty-five to be retained at the Prison Farm. The grade number two convicts are also permitted to be worked on the public roads under the certificate of Prison Physicians certifying their physical ability to perform such manual labor. All of the physically deficient and the women convicts are retained at the State Prison Farm at Raiford. When one has been convicted of crime he has forfeited his liberty and his time belongs to the State. It logically follows that his time should be utilized in some line of work supervised and carried on by the State. The majority of the convicts now used upon our public roads are doing good work and their services are profitable. Those convicts who are adjudged guilty of misdemeanors, various petty offenses and for which they can not be sent to the State Prison, are referred to as county convicts. Several years ago the Legislature abolished the private lease of State convicts, but the law did not abolish the private lease of county convicts. I recommend that the private lease of county convicts be abolished. In doing so, however, you should take into account many small counties which do not

have sufficient convicts of their own to organize road working forces. I believe that such counties should be permitted to deliver their convicts to other counties which are doing road work, or to the State Road Department, but in no case should they be permitted to lease them to private individuals.

I have since my inauguration as Governor made diligent effort to relieve the State of the large expense and heavy deficits which were year after year incurred at the State Prison Farm. I have under authority given by the Legislature of 1921, taken about one hundred and fifty (150) convicts away from the Farm and put them on the public roads. In doing so I fixed the prison population at the Farm at a maximum of three hundred and fifty (350). This is about as low as it can be practically reduced, when we consider that there are about seventy-five women and a great many maimed, old and decrepit men, and many others physically unable to work successfully upon the public roads. The State owns at the Farm nearly eighteen thousand acres of land and the Board of Commissioners of State Institutions have been gradually utilizing these lands for stock raising. We now have more than a thousand head of cattle and a large number of other live stock. A policy of economy has been adopted and we have been able to show a reduced expenditure at the Farm and at the same time an increased income from sales of Farm products. There has been a gradual reduction of expenses with an appreciable increase of income, and we are gradually working to that point where the farm will be self-sustaining.

There will be submitted to the Legislature a list of pardons which have been granted by the Board of Pardons. In this connection I wish to say that the Pardon Board under the Constitution is a Board of Clemency and that thought has been in the minds of the members of the Board and actuated its policy. Considering the number of prisoners in the State no large number of pardons has been granted. Those which have received favorable consideration have usually been men who have performed long service, oftentimes broken in health and whose application has been in a great many cases endorsed by officials, including the State's Attorneys who prosecuted and the Judges who tried them.

LOCAL BILLS

In my message to the Legislature of 1921 I made certain recommendations regarding local legislation. I quote from that document:

"Before the Legislature has any right to pass any bill, local in nature, it is required by the Constitution that notice of the introduction of the measure should be published in the county affected by such bill, for sixty days before its introduction. This plain provision of the Constitution is quite often ignored. If the Journals of the Legislature fail to show the publication of such notice, our Courts, in the absence of an affirmative showing, indulge the presumption that such notice was given as required. The effect of this construction of the law has been that each session of the Legislature is flooded with local bills, and practically no consideration can be given to them by the Legislature. As is well known, they are passed as a matter of course, sponsored and understood only by the member of the Legislature of the county affected by them. This practice has grown to such an extent that it has become a real menace. Not only does it require a great deal of the time of the Legislature, but oftentimes legislation not local in nature is hurried through the session without that due consideration which the questions involved justly deserve. Apart from the above suggestions, the people in each community are entitled to be advised in advance of the nature of the local bill which will be introduced in the Legislature. There is no way for a practical handling of this question except through an amendment to the Constitution.

"I recommend an amendment to the Constitution requiring the publication of notice of all local measures, before their introduction, of at least thirty days. It would seem that thirty days instead of sixty days, as is now required, would be sufficient. But the publication of such notice with certified copy thereof, should be spread upon the Journals of each branch of the Legislature. In

other words, the Legislative Journals themselves should be required to show affirmatively that the required notice was given. If affirmative evidence of the publication of notice is required to be spread on the Journals, we will have a cure for the dangerous practice now prevailing."

I wish to reaffirm what I said at that time and I hope the Legislature may find some method of dealing with this situation. The plan which I have suggested, I think, is a feasible one.

CO-ORDINATION OF DEPARTMENTS

That State is best governed which has generally refrained from indiscriminate creation of commissions. The Constitution in creating the different departments of the State Government placed at the head of each department a Constitutional officer and made provision for his election by the vote of the people. It was clearly contemplated that the various activities of our Government should largely be placed under Cabinet Officers. There is nothing in the argument so often advanced that Cabinet Officers are too busy to give attention to the various matters that are placed under their charge. They are at the seat of the State Government all of the time ready and accessible for frequent meetings and conferences. The Cabinet members are advised as to the various needs of the State and therefore, can conduct the different phases of the State Government in harmony. Whereas, outside commissions only too often arrogate to themselves the authority of caring for the particular matters under their charge independent of the other departments of the State and without knowledge as to what may be the requirements of the State in departments other than their own. The creation of outside commissions not only makes for inefficiency but for extravagance in expenditures.

In scanning the messages to the Legislatures by the various Governors in their respective states, I am impressed with the unanimity of thought along this line. The tendency in all of the States is to concentrate and co-ordinate departments, using as few agencies for this purpose as possible. Should you find it desirable to create commissions looking toward the expenditure of public funds for

any governmental activity in the State, I hope you will let your creations be carved from out the Cabinet Membership. In making this recommendation I have in mind, of course, those agencies which deal with public funds as distinguished from those of the professions or businesses which are organized for the promotion of ethical standards and affecting only such profession or business.

BUDGET

Upon my recommendation the Legislature of 1921 adopted the budget law, creating a Budget Commission composed of the Governor, the Comptroller and the State Treasurer. This was very needed legislation and will, I am sure, have a wholesome effect upon the economical handling of public expenditures. The Commission at the expense of much time and thought has prepared a Budget for the various departments of the State Government and they will submit to you promptly their report. I shall not at this time discuss it, but will do so under a special message which will be submitted by the Commission at the time the Budget is referred to you.

LEGAL ADMINISTRATION

There are seventeen (17) Circuit Judges in Florida. I called them into conference at Tallahassee on the fourth of last November and requested that they make recommendations to the Legislature looking toward reform of our procedure, both in the civil and criminal jurisdictions. The judges were good enough to enter heartily into the spirit of the conference and, growing out of their deliberations, certain recommendations were made for submission to the Legislature. I attach hereto copy of such recommendations and wish to call your attention to them. Especially, would I emphasize the need for change in method for securing juries as recommended by the Judges; also for the abolition of unanimous verdicts. The recommendations of the Judges have much merit, and I bespeak for them your earnest consideration.

CONCLUSION

Some of the Legislatures of the past have apparently acted on the theory that they could best make a creditable record by the enactment of a multiplicity of laws. I am sure the people have the conviction, in which I share, that enactment of fewer laws, but with more consideration of the value of such measures in dealing with specific problems, would be of much greater value. I wish to urge therefore, that such measures as you may consider and pass shall be of that character only needed for the advancement of the higher interest of the State. I shall not, during my administration as Governor, neither will you as Legislators, be able to achieve the impossible, or all of the possible; but we should endeavor, day by day, to do the day's work. Thus may we hope to execute, with reasonable satisfaction, the high and responsible obligations which we have assumed.

Mr. Malone moved that the Senate do now rise and retire from the joint Session, and proceed to the Senate Chamber.

Which was agreed to.

And the Senate retired.

The Senate resumed its session at 12:20 o'clock P. M.
The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Anderson, Butler, Campbell, Colson, Cone, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mitchell, Overstreet, Phillips, Putnam, Rowe, Russell, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—26.

A quorum present.

A communication from the Attorney General, recommending Mrs. Mary Meginniss for the position of the Senate and House Indexer, was read.

The following communication from the Attorney General was received and read:

STATE OF FLORIDA,

OFFICE OF THE ATTORNEY GENERAL.

Tallahassee, Fla., April 3, 1923.

*Hon. T. T. Turnbull,
President of the Senate,
Tallahassee, Florida.*

Dear Sir:

Under the provisions of Section 13, Article V of the Constitution of Florida, I herewith transmit to the Senate of the Florida Legislature, Session 1923, certain recommendations proposing amendments to existing laws and the enactment of additional laws which I deem expedient.

Very respectfully,

RIVERS BUFORD,
Attorney General.

RECOMMENDATIONS MADE BY RIVERS BUFORD,
ATTORNEY GENERAL OF THE STATE OF FLORIDA,
TO THE LEGISLATURE, SESSION 1923.

Tallahassee, Fla., April 3, 1923.

To the Legislature of the State of Florida:

In compliance with Section 13, Article V of the Constitution of the State of Florida, I herewith transmit certain recommendations as to legislation for the consideration of this Honorable Body.

Section 13 of Article V of the Constitution of Florida provides: "It shall be the duty of the Judges of the Circuit Courts to report to the Attorney General at least thirty days before each session of the Legislature such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional legislation as may be deemed necessary."

I have received only one communication complying with this provision of the Constitution, the same being from Judge George Couper Gibbs of the Fourth Judicial Circuit of Florida, and Judge Daniel A. Simmons of the Circuit Court of Duval County, which communication is as follows, to-wit:

Jacksonville, Fla., March 5, 1923.

Hon. Rivers Buford,
Attorney General,
Tallahassee, Fla.

My Dear Sir:

In compliance with Section 13 of Article V of the Constitution of this State, Judge Simmons and I respectfully report to you the following defects in the laws which have been brought to our attention, and suggest to you the following amendments and additional legislation:

1. We, in conference with other Circuit Judges, made certain suggestions to the Governor, a copy of which, we are informed, was handed to you. We are of the opinion that laws made in pursuance thereof will enure to a better administration of justice in our Courts.

2. In Chapter 8470, Laws of Florida, 1921, as published, defining murder in its several degrees, we find that in the definition of murder in the third degree the word "arson" is spelled "aron." We suggest that this Chapter be amended to correct this error.

3. In Chapter 8480, Laws of Florida, 1921, amending Sections 3003 and 3004, Revised General Statutes, the Legislature, by Section 2 thereof, provided for the allowance of expenses of Circuit Judges, not to exceed a certain amount, but failed to appropriate any sum for the payment thereof. An appropriate law should be enacted for the payment of such sums as have been expended by the Circuit Judges for the purposes set forth in such section.

4. We suggest that Section 3135 of the Revised General Statutes regarding evidence in chancery be so amended as to allow testimony to be taken directly before the court and not make it essential for such testimony to be taken down in writing and filed in the cause, unless by order of the court or by request of one or the other of the parties to the cause. We suggest a law similar to that enclosed.

We believe that a great saving in time and expense would be had if these chancery cases could, under appropriate rules by the Supreme Court, be heard, as common law cases, directly before the Court.

5. We suggest that Section 5051 of the Revised General Statutes be amended by adding to the penalty prescribed, these words, "or for such term of years in the State Prison as the Court may direct." We make this suggestion, as there are sometimes cases in which the life penalty is unjust. We speak particularly with reference to those cases in which only negroes are involved. While the offender is guilty according to the statute, still there are such extenuating circumstances as to make life sentence unjust.

6. Authority should be granted to the Secretary of State to furnish to the Judge of the Civil Court of Record of Duval County, Florida, the Florida Reports, the Revised General Statutes, and the Laws of Florida.

7. Authority should be granted the Secretary of State to furnish to the Circuit Judges upon requisition by them the volumes of Florida Reports which have been lost or have been worn out in service.

8. Amendment providing for service of notice upon Attorney General and Clerk of Supreme Court when writ of error in criminal cases is sued out in lower court, or change of law to provide for suing out such writ of error in Supreme Court, instead of lower court.

9. Designation and definition by Legislature of official record of the acts of the Legislature.

10. Appropriate legislation should provide means for settling in the matter of a primary election, contests between those seeking nomination for the Legislature or for the Board of County Commissioners.

11. Present law should be amended so as to require that all cases, civil, criminal and in chancery in the Circuit Court should be reported by the regular court reporter or his duly authorized deputy, who should be paid an adequate salary for such service, and such testimony should be transcribed only when necessary for appeal or otherwise at the expense of the person taking said appeal, except in insolvent cases ordered by the Court to be paid by the State of Florida.

12. There should be a definite statute permitting the Circuit Judge in those cases where a defendant pleads guilty to murder in the first degree to make inquiry and

decide as to whether such defendant should receive the death penalty or imprisonment for life.

Yours respectfully,
(Signed) GEORGE COUPER GIBBS,
Judge.
(Signed) DAN'L A. SIMMONS,
Judge.

A BILL

TO BE ENTITLED

AN ACT Relating to the Taking of Testimony in Chancery Cases.

Be it Enacted by the Legislature of the State of Florida:

Section 1. In any Chancery case the testimony wholly or in part may be taken orally before the court as the court may direct, or upon commission, or by an examiner or master appointed by the court. The Supreme Court of Florida from time to time may promulgate general rules controlling the Chancery Court in the taking of testimony. The laws, rules and practice effective before the passage of this act shall prevail until general rules are hereafter promulgated by the Supreme Court or where such general rules are not in point, but in any chancery case the Chancery Court may require the testimony wholly or in part to be taken orally before the court, and it need not be taken down in writing or filed in the cause except as ordered by court or provided for by rule.

Sec. 2. This Act shall take effect immediately upon its passage.

I have been informed that a convention of the Judges of the Circuit Courts of the State of Florida was held in Tallahassee, Florida, in September of 1922, for the purpose of recommending to the Governor such legislation as by them might be deemed expedient. A copy of the Report adopted by that convention and submitted to the Governor was transmitted to the office of the Attorney General. I assume that as this Report was addressed to the Governor its contents will be presented by him to the Legislature. Therefore, I do not include the same herewith.

SUGGESTED LEGISLATION

I respectfully recommend the enactment of laws upon the following subjects:

APPEAL

I suggest the passage of an Act which will provide that in any criminal case, where the statute under which the defendant is being prosecuted is held by the trial court to be unconstitutional, the State shall have the right to immediately appeal from such decision to the Supreme Court of the State of Florida, for the purpose of having the constitutionality of the statute adjudicated by the Supreme Court, and that the cause shall stand in *status quo* in trial court pending such decision by the Supreme Court.

BASTARDS

I suggest that Section 3615, Revised General Statutes of Florida, be amended so as to provide that where the identity of the father of a bastard child is established as provided by law that such bastard child shall be entitled to take property by inheritance from the father in share equal to that of a legitimate child; and to provide that such father cannot in any wise defeat such right by will or the creation of a trust estate.

I further suggest that Section 3957, Revised General Statutes of Florida, which is an Act of 1828, be amended so as to simplify the proceedings and eliminate unnecessary technicalities in the manner of instituting bastardy proceedings.

I also suggest that Section 3959, Revised General Statutes of Florida, be amended so as to provide that the judgment of the court shall declare the defendant to be the father of a child; and to provide for the judgment to be for the payment of a sum to be fixed by the court upon a fair consideration of the defendant's ability to pay, but not to exceed the sum of six hundred dollars per year.

I also suggest that Section 3960, Revised General Statutes of Florida, be amended so as to make the penalty therein mentioned not to exceed five years in State Prison.

BOND TRUSTEES

A law should be passed which will abolish the office of Bond Trustee for all county bonds and all road district bonds. It is my judgment that there is no necessity for the existence of such officers. They perform no valuable service and the result of having them is merely an expense upon the county and district.

All the functions performed by such Bond Trustees could be as well performed by the Clerk of the Circuit Court for nominal compensation.

CARNAL INTERCOURSE WITH UNMARRIED FEMALE UNDER EIGHTEEN YEARS

I recommend that Section 5409, Revised General Statutes of Florida, be so amended as to preclude the defendant from showing as, a matter of defense, that he himself had, prior to the date alleged in the indictment, been a party to the unchaste conduct of the girl named in the indictment.

CLOSING ARGUMENT IN CRIMINAL CASES

I suggest that Section 6080, Revised General Statutes of Florida, be amended so that where two defendants are being tried jointly, one defendant will not be allowed to claim the right to introduce testimony applying to both defendants and then the other defendant claim the right of closing argument, thereby getting both the advantage of all available testimony and also the advantage of the closing argument.

CONFLICTS IN STATUTES

I have had occasion to observe two subjects upon which the Revised General Statutes present conflicting provisions. The first is:

Section 1007, Revised General Statutes of Florida, Volume 1, provides in part as follows:

(c) "Name of the county in which he resides, and a statement that he is over sixteen years of age."

Section 1016, Revised General Statutes of Florida, Volume 1, provides as follows:

"No person shall operate a motor driven vehicle who is under fourteen years of age, unless such person is accompanied by a duly licensed chauffeur, or by the owner of the motor vehicle being driven."

Section 1024, Revised General Statutes of Florida, Volume 1, provides in part as follows:

"Such application shall be verified and shall state the age of the applicant, and no license shall be issued to any person under the age of eighteen years."

The other is in regard to license fees required of hotels and boarding houses:

Section 842 of the Revised General Statutes of Florida, provides for the payment of an occupation tax based upon the number of lodgers or boarders, which may be cared for in the hotel. Section 2127, Revised General Statutes of Florida, provides for the payment of a license tax to be based upon the number of rooms contained in the hotel or boarding house.

These provisions are in direct conflict with each other and such confliction should be eliminated.

CONCEALED WEAPONS

I suggest that the proviso which appears in Sections 5095 and 5100, Revised General Statutes of Florida, be amended to read as follows:

"Provided, That nothing in this section shall be considered as applying to sheriffs, deputy sheriffs, city and town marshals, policemen regularly on duty, or policemen actually employed and paid for services by a municipality, or constables, or United States marshals, or their deputies."

CONVICTS

I suggest that Section 6287, Revised General Statutes of Florida, be so amended as to include all convicts; and that it also apply to persons aiding in the escape of any convict.

I recommend that the leasing of county convicts to individuals, firms or corporations to work in private enter-

prises be prohibited, and that the county commissioners of the several counties be required to work the county convicts on the roads of such counties.

COUNTY COMMISSIONERS

I recommend that a uniform law be passed fixing the compensation of County Commissioners throughout the State. At present there exists a number of statutes fixing the compensation of County Commissioners in counties of various populations. The Supreme Court of Florida has very strongly intimated and some members of the court positively stated in an opinion rendered that such classifications were and are in conflict with the Constitution, and it is my opinion that should the existing statutes which were made to apply to certain counties be contested in the courts they would be held invalid and such decision by the courts would cause a great deal of confusion and embarrassment.

COUNTY BOARDS OF PUBLIC INSTRUCTION

I recommend that a uniform law be passed fixing the compensation of County Boards of Public Instruction throughout the State. At present there exists a number of statutes fixing the compensation of County Boards of Public Instruction in counties of various populations. The Supreme Court of Florida has very strongly intimated and some members of the court positively stated in an opinion rendered that such classifications were and are in conflict with the Constitution, and it is my opinion that should the existing statutes which were made to apply to certain counties be contested in the courts they would be held invalid and such decision by the courts would cause a great deal of confusion and embarrassment.

CRIMINAL ASSOCIATION

I recommend the passage of an Act which will prohibit any person of more than twenty-one years of age lewdly or lasciviously touching or handling the sexual organs of any person under fourteen years of age; and also to prohibit any person of more than twenty-one years of age, lewdly or lasciviously allowing any person under fourteen years

of age to touch, or handle, the private parts or sexual organ of such person so being over twenty-one years of age.

DECLARATORY JUDGMENTS

I suggest the passage of an Act which will authorize the Circuit Courts and the Supreme Court of the State of Florida to pronounce declaratory judgments in cases of actual controversy within the scope of their respective jurisdictions, thereby making binding adjudications of right, whether or not consequential relief at the time could be claimed. Also providing that controversies involving the interpretation of deeds, wills and other instruments of writing, statutes, municipal ordinances and other governmental regulations may be so determined by such courts.

DECLARATIONS OF TRUST

A great many people in Florida are establishing business organizations under "Declarations of Trust," which method of doing business presents many attractive features, one of which is, that the promoters are not required to comply with any statutory provision and are not required to procure any permit from any state authorities to do business, and are not required to pay any charter fees, all of which things are required of persons organizing and conducting corporations.

I, therefore, suggest the passage of an Act regulating the creation and management of business associations proposing to operate under "Declarations of Trust."

DIVORCE

I wish to call your attention to the fact that the promiscuous procuring of divorce is becoming the greatest menace to the moral standard of our country, and it is my opinion that this tendency should be discouraged at every possible turn.

In my opinion divorces are entirely too easily procured under the laws of the State of Florida; and under existing practice it is quite easy for fraud and deception to be practiced upon the courts having jurisdiction of these cases.

I, therefore, suggest the passage of an Act, which will require that all testimony to be considered in divorce suits in this State shall be taken before the Judge of the Court having jurisdiction of the cause, and that the same shall be taken down in shorthand by the Court Reporter, or some competent stenographer to be named by the Court, and that said testimony be transcribed and filed as a part of the record of such proceedings.

I further suggest that an Act be passed which will provide that the Court may make an order in any suit pending for divorce before such Court, directing the State's Attorney of the Circuit where the suit is pending to ascertain all the facts pertinent to the issue and to submit the same in writing to the Court, together with the names of the material witnesses, and providing that for such services, the State's Attorney shall receive a fee to be fixed by the Court, and to be taxed and paid as a part of the costs under direction of the Court. This statute should be framed so that the provisions would only be invoked by the Court in cases in which the Court deemed such procedure necessary.

I further suggest that Section 3191, Revised General Statutes of Florida, defining grounds for divorce, be amended so as to eliminate the grounds therein contained numbered Four, Five and Six.

A law should be enacted providing that it shall be unlawful for any person to file a bill of complaint seeking a divorce from his or her spouse except in the county where either the complainant actually lives or in which the defendant actually lives. . I have observed some people have taken advantage of the laxity existing in the statutes and have filed suits for divorce in the *circuit* where one or both parties resided, but not in the *county* where either resided.

EVIDENCE

I suggest the passage of an Act which will provide that in any criminal case where a continuance is applied for, because of the non-appearance of a witness, the party making such application shall be required to set up in writing all the facts which in his opinion the said witness would swear to, and if the adverse party shall admit before the jury that the witness if present would swear to such statement of facts, no continuance shall be granted upon

that ground. But by the adverse party admitting that the witness would testify to such statement of facts, he shall not be held to thereby admit that such statement of facts is true, and shall have the privilege of proving or attempting to prove such statement of facts not true by competent testimony.

EXTRADITION

The volume of requisitions for extradition warrants for alleged criminals, who have taken refuge in Florida, is growing rapidly and entails considerable expense upon our State. I therefore suggest the passage of an Act which will provide that no warrant of extradition should be issued until a fee of \$5.00 for the same shall have been deposited with the Secretary of State of Florida, which money when received by him shall be transmitted to the State Treasurer and deposited in the General Revenue Fund of the State of Florida.

EMBEZZLEMENT

I recommend the passage of an Act amending our law prohibiting embezzlement.

FALSE SWEARING

I suggest the passage of an Act which will provide that any person, who, when sworn as a witness in any cause in a court of competent jurisdiction, swears to any statement of facts, and thereafter in the same court, or in any other court where the same cause is at issue or being tried, shall be sworn as a witness and testifies to a statement of facts materially different from the testimony given by such witness at a former hearing, shall be deemed guilty of a felony, and upon conviction, shall be imprisoned in the State Prison not exceeding five years, or fined not exceeding five thousand dollars.

FRANCHISE TAX

I recommend a law which will provide for a franchise tax.

GASOLINE LICENSE TAX

I recommend that the law be amended so that 2 cents per gallon license tax will be paid on all gasoline sold in the State of Florida when the same has been divested of its interstate character. That 1 cent of such tax go to the State to be used by the State Road Department, and 1 cent of such tax go to the county in which the gasoline shall have been sold for consumption.

HOTEL COMMISSION

I suggest that the law in regard to the inspection of hotels, rooming houses and restaurants by the Hotel Commission of the State of Florida, be amended so as to specifically include apartment houses and tenement houses. This recommendation is made because a number of people question the authority of the Hotel Commission as applied to such structures, and the law should be made so clear and positive that there could be no question as to its meaning and intent.

Hundreds of people are housed in apartment houses and tenement houses in this State and the number is constantly increasing. The lives of these people are often in jeopardy because of the improper and inadequate construction of the buildings due to the lack of proper fire escapes and because of the lack of sanitary facilities. It is only right, fair and just that the landlords should be required to provide for the safety of their tenants as far as possible.

JURORS

I suggest that an Act be passed providing that in the trial of criminal cases where two or more defendants are being tried jointly, the State shall be entitled to a number of peremptory challenges equal to the aggregate number of peremptory challenges which may be exercised by the several defendants.

LAND SWINDLERS

I recommend the passage of an Act, which will prohibit any person from knowingly or wilfully swindling, or defrauding, any other person out of money, or of anything of value, by the sale or transfer, or the pretended sale or

transfer, of any lands in the State of Florida, and providing that the prosecution for the violation of the Act may be had in any county where any matter pertaining to the transaction occurs.

LAND TITLES

I suggest the passage of an Act which will provide for the adoption of the Torrens System of land titles, or some other system closely akin to the Torrens System.

LOAN SHARKS

I recommend the passage of an Act which will effectually prohibit extortion by loan sharks.

MARRIAGE LICENSES

I suggest that Chapter 7828, Acts of 1919, be amended so as to eliminate the necessity of more than one parent of each of the contracting parties consenting to the marriage of the parties. As the statute stands, both parents, if living, of both of the contracting parties must give their permission for the marriage, before a license can be issued in cases where the parties are under twenty-one years of age, and this often causes great inconvenience, which is entirely unnecessary.

I also suggest that this Chapter be further amended, or that a new Act be passed providing that any one, who shall knowingly in any way deceive, or attempt to deceive, the County Judge as to the identity of any person applying for a marriage license, shall be deemed guilty of a felony, and upon conviction be punished by imprisonment in the State Prison not exceeding five years, or fined not exceeding Five Thousand Dollars.

MOTOR DRIVEN VEHICLE LICENSE LAW

The Motor Driven Vehicle License Law should be amended in a great many respects, but especially so as to do justice to the people who pay the tax and may be by misfortune deprived of the use of the license tag. Hon. R. A. Gray, who has direct supervision of the issuing of license tags for automobiles, etc., in the office of the State

Comptroller, has prepared needful amendments to this law, and I hope the Legislature will see fit to adopt his suggestions.

PAINT

I recommend the passage of a statute which will require all persons offering for sale, or selling, mixed paint either to a dealer or a consumer in this State, to place in plain words and figures the guaranteed analysis of such paint upon each package in which such paint is sold or delivered, which analysis shall show plainly the percentage of all ingredients contained in such package of paint.

PICTURE SHOWS

A law should be passed exempting from the payment of a license tax any picture show, lecture, theatrical performance, or other educational amusement, exhibited, conducted or operated under an agreement by which the management, owner, or performer, contributes to any public school, or schools, or to charitable purposes, to be used in connection with public school work, or to Posts of the American Legion or to Chapters of the Confederate Veterans or to Chapters of the Daughters of the Confederacy, as much as fifty per cent (50%) of the gross receipts accruing by reason of such show, performance or lecture.

PLEADINGS

I recommend the passage of a statute which will require parties to all actions who shall file dilatory pleas to bring the same on for hearing before the proper court within a limited period of time.

PROBATION OFFICER

I suggest Section 2323, Revised General Statutes of Florida, be amended so that the petition to be filed as provided for in said section may be filed by any sheriff, deputy sheriff, constable or prosecuting officer.

PROHIBITION ENFORCEMENT

I suggest the passage of an Act which will provide for compensation to be paid to county prosecuting officers, who are not paid entirely by salary for their services in cases involving the enforcement of the prohibition statute, and especially when required to prosecute actions involving the confiscation of property.

I recommend that more stringent penalties be provided for the violation of the prohibition statutes.

REAPPORTIONMENT

It is my opinion that justice demands that this session of the Legislature do proceed to reapportion the legislative representation throughout the State of Florida.

RECEIVERS

I suggest the passage of an Act which will prohibit any person at interest in a suit, where receivership is had, being appointed receiver.

SPEED LIMIT

I recommend the passage of an Act which will more definitely fix speed limits, and also prohibit any motor driven vehicle while being operated at a greater speed than at the rate of twenty-five miles per hour, passing within a distance of three feet of any other moving vehicle.

STATE'S ATTORNEYS

I suggest the passage of an Act which will give the several State's Attorneys of the State of Florida, the right to have witnesses subpoenaed to come before them for examination as to the perpetration of any unlawful act, either during the period of the term of court, or during vacation; that such witnesses shall be subpoenaed to appear before him in some place named in the county where the offense is alleged to have been committed; that he have authority to administer an oath to each witness, whereby each witness shall be obliged to tell the truth and the whole truth; that any witness swearing falsely on such examination shall be deemed guilty of perjury; and that the costs incident to

such examination, including transcript of the testimony taken where such transcript is deemed necessary by the State's Attorney, shall be paid by the county in which the offense is alleged to have been committed.

I recommend the passage of an Act which will provide that the State's Attorney, by and with the consent of the Court, may correct any indictment by the correction of a clerical error apparent upon the face of the indictment, provided, the correction shall be made in open court and in the presence of the defendant, or his attorney.

I further recommend the passage of a joint resolution proposing an amendment to the Constitution, which will authorize the enactment of a law giving State's Attorneys authority to file information in the several Circuit Courts, either in or out of term time, charging all felonies, except in capital cases, and providing that prosecutions may be had of offenders under such information.

SUPREME COURT

On account of the fact that the business of the Supreme Court is rapidly growing and the docket is becoming heavier and heavier with each term of court, I urgently request the passage of an Act to authorize the Governor to appoint one additional person as Justice of the Supreme Court. I am sure to do so will mean an economical administration of the affairs of justice.

TAXATION

I recommend the passage of an Act which will provide for the appointment of delinquent tax enforcement officers in each county. Such officers to have authority to locate and collect delinquent taxes on all classes of property, delinquent occupation tax and delinquent automobile license tax.

I recommend that the law be so amended that the tax assessing authority may assess back taxes upon any property which for any cause the taxes have not been paid within a period of five years. At present, back taxes may be levied upon real estate which has escaped taxation within a period of three years. This period is inadequate because by reason of the apparently unavoidable delays incident to legal procedure it is often impossible to procure a final adjudication as to the validity of a tax assess-

ment within three years after the assessment is made. It often occurs that litigation is not instituted until two years after the assessment is made, and then by dilatory tactics counsel may consume another two years of litigation and State and County thereby loses the entire tax on the property which should be paid for one or two years. There is no good reason why any property should be allowed to escape its just proportion of its taxation and, therefore, authority should exist for the back assessment of taxes against any property which may have escaped taxation for any year within a period of five years.

TRADE MARKS

The law should be amended in regard to the registration of trade marks so as to more thoroughly protect adopted trade marks and also to bring larger revenue to the State of Florida.

VARIANCES

I suggest the passage of an Act which will provide that variances between the allegations of an indictment and information and the proof offered upon the trial, which in the judgment of the trial court do not prejudice the defendant in his defense, shall be deemed harmless error and of no effect upon the merits of the case, and the result thereof shall not be disturbed by reason of such variance.

WIFE DESERTION OR NON-SUPPORT

I recommend the passage of an Act which will prohibit any Committing Magistrate from issuing a warrant charging wife desertion or non-support, without the approval of issuance of such warrant by the Prosecuting Attorney, whose duty it would become to prosecute such charge upon trial. This recommendation is made because I have learned from experience that a great many women go before Committing Magistrates and swear out warrants against their husbands upon these charges, and when the husband has been arrested at considerable cost to the county, the wife fails to testify to such state of facts as will warrant a conviction. In fact, in many cases she refuses to testify at all.

WITNESSES

I suggest the passage of an Act providing for the payment of fees to witnesses who reside beyond the limits of the State of Florida, when required to attend courts in behalf of the State in criminal prosecutions.

I also suggest the passage of an Act which will authorize Committing Magistrates to require witnesses in capital cases to enter into bond with two good and sufficient sureties, conditioned upon their appearance at the time required by the court in all capital cases, and to provide for the estreature and collection of the amount of the bond.

WORTHLESS CHECKS

I recommend that Chapter 8402, Laws of Florida, Acts of 1921, be amended to conform to the Act of Congress on the same subject. Several of the Judges of the Circuit Courts of this State have held Chapter 8402, Acts of 1921, to be in conflict with the Constitution of the State of Florida, and although the Supreme Court has not definitely passed upon the validity of the Act, I deem it wise to amend it at this time.

Respectfully submitted,

RIVERS BUFORD,
Attorney General.

The following Concurrent Resolution, adopted by the Legislature of North Dakota, was read as follows:

CONCURRENT RESOLUTION INTRODUCED BY
MR. PORTER.

Be it Resolved by the Senate of the Eighteenth Legislative Assembly, the House of Representatives concurring therein:

Whereas, It has been made to appear to the Legislative Assembly of the State of North Dakota, that Martin Tabert, a young man of about twenty-two years of age, a respected, respectable and law-abiding citizen of the State, left his home in the fall of 1921 on a lawful and proper undertaking, which in the month of December of said year took him within the county of Leon in the State of Florida;

And, that on the 15th day of said month he was arrested in said county for a violation of some penal statute or regulation of the State of Florida, prescribing conditions or circumstances under which it was unlawful to ride upon a railroad train;

And, that he was thereupon summarily convicted of such offense and sentenced to pay a fine of twenty-five dollars or be imprisoned for a period of three months, and that being unable to pay such fine immediately, he was committed to the custody of the sheriff of said county, to-wit, J. R. Jones.

That, whereupon under the provisions of some statute or regulation of the State of Florida he was leased as a prisoner to the Putnam Lumber Company, to work for it as a convict at Clara, Florida, and was also immediately surrendered into its possession or custody.

That immediately upon his conviction as aforesaid he did communicate with his parents by telegraph asking for funds with which to pay his fine as aforesaid, and almost immediately his parents did forward to him by telegraph, in the care of said sheriff, more than sufficient funds to pay said fine, but said sheriff did not accept said message of remittance of said money, but caused the same to be returned to the senders without reporting any reason therefor, or disclosing anything with reference to the whereabouts of said Tabert.

That thereupon and on the 21st day of December, 1921, the parents of said Martin Tabert did by registered letter send to him, in the care of said sheriff, more than sufficient money with which to pay said fine, and said letter came into the hands of the said sheriff within a few days; that thereupon said sheriff did indorse on said letter a statement to the effect that said Tabert had gone away, and directed said letter to be returned to the sender, without in any way disclosing the facts with reference to the condition or whereabouts of said Tabert.

That on or about the first day of February, 1922, said Tabert died while in the custody of said Putnam Lumber Company, and from careful investigation made by relatives and friends of said Tabert, and officials of the State of North Dakota, the results of which have been laid before the legislative assembly, together with correspondence and affidavits, it is convinced that said Tabert died as the direct and proximate result of physical abuse and torture in-

flicted upon him by the said Putnam Lumber Company, and its employees, and more particularly by one T. W. Higginbotham, and it is further believed:

That such abuse occurred after the money intended for the payment of said fine had come into the hands of said sheriff and should have been devoted to the purpose of releasing said Tabert, and that said sheriff by connivance and conspiracy with the said lumber company purposely refrained from either forwarding said money to said Tabert, or communicating to the senders thereof the facts as to his then custody or whereabouts, and that he purposely so indorsed said letter and caused it to be returned to the senders, to lead them to believe that he had been released from custody and prevent them from obtaining his release, and it is further believed:

That a corrupt understanding and agreement existed between said sheriff and said lumber company to the effect that the sheriff should endeavor to obtain the arrest and conviction of men for pretended or petty offenses, to the end that when convicted they might be leased to said Lumber Company, and that for each convict so obtained from the custody of said sheriff he should receive a cash compensation, and that said Tabert was a victim of such conspiracy. It is further believed:

That while the legislative assembly is convinced by the showing made to it of the substantial accuracy of the facts heretofore set forth, the State of Florida is in no manner party to the great wrong, and that as represented by its Legislature it will feel the same sense of indignation as is felt by the State of North Dakota, represented by its Legislature, and that it will to the utmost of its ability desire to redress the wrong done to the citizen of a sister state, and make impossible the commission of such abuses in the future. Be it therefore

Resolved, by the Senate of the State of North Dakota, the House of Representatives concurring, That the Legislature of the Commonwealth of Florida is hereby memorialized and requested by the Legislature of the Commonwealth of North Dakota, to cause a full investigation to be made of the circumstances surrounding the conviction, leasing and death of said Martin Tabert, and to cause such

action to be taken as will most surely and expeditiously lead to the punishment of all parties concerned therein. Be it further

Resolved, That the State of North Dakota, in a spirit of comity and friendship, extends its greeting from the furthest side of the Union to the State of Florida, and requests that such recognition as this communication shall receive be transmitted to the Governor of the State, this assembly being about to adjourn. Be it further

Resolved, That an engrossed copy hereof, attested by the presiding officers of the Senate and House of Representatives, be transmitted by the Secretary of the State to each House of the Legislature of the State of Florida.

FRANK H. HYLAND,
President of the Senate.
W. E. PARSONS,
Secretary of the Senate.
ROY JOHNSON,
Speaker of the House.
W. F. CUSHING,
Chief Clerk of the House.

This certifies that the within bill originated in the Senate of the Eighteenth Legislative Assembly of the State of North Dakota and is known on the records of that body as Concurrent Resolution Introduced by Mr. Porter.

W. E. PARSONS,
Secretary of the Senate.

Mr. Stokes moved that action upon the above Concurrent Resolution, transmitted by the Legislature of North Dakota to the Florida Legislature be temporarily passed.

The following appointments of Standing Committees for the Session were handed down by the President:

AUDIT AND CONTROL OF LEGISLATIVE EXPENDITURES.

Oscar M. Eaton, Chairman.
R. H. Rowe.
W. C. Hodges.
W. M. Igou.
N. J. Wicker.

APPROPRIATIONS.

W. C. Hodges, Chairman.
 S. W. Anderson.
 J. B. Johnson.
 J. H. Scales.
 W. M. Igou.
 Jno. S. Taylor.
 J. H. Colson.
 E. J. Etheredge.
 W. A. MacWilliams.

BANKING.

W. J. Epperson, Chairman.
 J. H. Scales.
 S. W. Anderson.
 T. J. Campbell.
 M. O. Overstreet.

CAPITOL, STATE BUILDINGS AND GROUNDS.

H. H. Wells, Chairman.
 S. W. Anderson.
 W. H. Mapoles.
 W. H. Malone.
 W. C. Hodges.

CITIES AND TOWNS.

W. W. Phillips, Chairman.
 Jno. S. Taylor.
 J. M. Mitchell.
 W. H. Malone.
 W. P. Shelley.

CONSTITUTIONAL AMENDMENTS.

J. Turner Butler, Chairman.
 J. B. Johnson.
 Jno. S. Taylor.
 Jno. P. Stokes.
 W. C. Hodges.

COMMERCE AND NAVIGATION.

Jno. P. Stokes, Chairman.
 Jas. E. Calkins.
 W. J. Epperson.
 W. J. Singletary.
 Oscar M. Eaton.
 W. H. Mapoles.
 J. Turner Butler.

CLAIMS.

W. H. Malone, Chairman.
 W. H. Mapoles.
 W. J. Singletary.
 W. J. Epperson.
 D. E. Knight.

CORPORATIONS.

Jno. P. Stokes, Chairman.
 T. J. Cambell.
 Jas. E. Calkins.
 W. J. Epperson.
 T. J. Knabb.

COUNTY ORGANIZATION.

E. J. Etheredge, Chairman.
 W. P. Shelley.
 W. H. Malone.
 J. M. Mitchell.
 W. A. Russell.

DRAINAGE.

T. J. Campbell, Chairman.
 J. Turner Butler.
 W. A. MacWilliams.
 E. J. Etheredge.
 J. H. Colson.

EDUCATION.

J. H. Colson, Chairman.
 N. J. Wicker.
 M. O. Overstreet.
 E. J. Etheredge.
 J. M. Mitchell.
 W. W. Phillips.
 Jno. P. Stokes.

ENGROSSED BILLS.

W. J. Singletary, Chairman.
 J. H. Colson.
 H. C. Putnam.
 W. P. Shelley.
 B. H. Lindsey.

ENROLLED BILLS.

R. H. Rowe, Chairman.
 W. A. MacWilliams.
 S. W. Anderson.
 E. J. Etheredge.
 T. J. Knabb.

EXECUTIVE COMMUNICATION.

W. A. Russell, Chairman.
 H. H. Wells.
 D. E. Knight.
 T. J. Campbell.
 R. H. Rowe.

FINANCE AND TAXATION.

S. W. Anderson, Chairman.
 M. O. Overstreet.
 N. J. Wicker.
 W. C. Hodges.
 Jas. E. Calkins.
 J. H. Colson.
 J. H. Scales.
 H. H. Wells.
 Oscar M. Eaton.

GAME AND FISHERIES.

J. H. Ccales, Chairman.
 J. Turner Butler.
 H. G. Putnam.
 B. H. Lindsey.
 Jas. E. Calkins.
 Oscar M. Eaton.
 E. J. Etheredge.

INSURANCE.

B. H. Lindsey, Chairman.
 W. M. Igou.
 J. H. Scales.
 R. H. Rowe.
 W. A. Russell.

JUDICIARY "A."

W. A. MacWilliams, Chairman.
 J. Turner Butler.
 R. H. Rowe.
 N. J. Wicker.
 Jno. P. Stokes.
 J. B. Johnson.
 H. G. Putnam.
 W. M. Igou.
 M. H. Overstreet.

JUDICIARY "B."

D. E. Knight, Chairman.
 W. C. Hodges.
 Jas. E. Calkins.
 H. H. Wells.
 W. H. Malone.
 J. M. Mitchell.
 D. M. Cone.
 Oscar M. Eaton.
 B. H. Lindsey.

MINING AND MILL RESOURCES.

T. J. Knabb, Chairman.
 W. P. Shelley.
 H. H. Wells.
 W. W. Phillips.
 Oscar M. Eaton.

MILITARY AFFAIRS.

J. B. Johnson, Chairman.
 J. M. Mitchell.
 J. H. Colson.
 W. M. Igou.
 D. N. Cone.

MISCELLANEOUS LEGISLATION.

W. P. Shelley, Chairman.
 D. N. Cone.
 H. G. Putnam.
 B. H. Lindsey.
 W. H. Mapoles.
 Jas. E. Calkins.
 D. E. Knight.
 W. J. Singletary.
 Jno. S. Taylor.

ORGANIZED LABOR.

Oscar M. Eaton, Chairman.
 W. J. Singletary.
 W. A. Russell.
 T. J. Campbell.
 H. H. Wells.

PENSIONS.

N. J. Wicker, Chairman.
 W. W. Phillips.
 W. H. Mapoles.
 H. G. Putnam.
 D. N. Cone.

PUBLIC PRINTING.

W. H. Mapoles, Chairman.
 W. P. Shelley.
 B. H. Lindsey.
 T. J. Campbell.
 T. J. Knabb.

PUBLIC UTILITIES.

Jas. E. Calkins, Chairman.
 R. H. Rowe.
 W. A. Russell.
 M. O. Overstreet.
 J. Turner Butler.

PRIVILEGES AND ELECTIONS.

Jno. S. Taylor, Chairman.
 T. J. Knabb.
 W. J. Singletary.
 W. A. Russell.
 D. N. Cone.

PRISON AND CONVICTS.

H. G. Putnam, Chairman.
 W. W. Phillips.
 W. C. Hodges.
 D. E. Knight.
 S. W. Anderson.

PUBLIC ROADS AND HIGHWAYS.

W. M. Igou, Chairman.
 J. H. Scales.
 J. Turner Butler.
 J. M. Mitchell.
 M. O. Overstreet.
 J. B. Johnson.
 W. A. MacWilliams.
 S. W. Anderson.
 E. J. Etheredge.

PUBLIC HEALTH.

D. N. Cone, Chairman.
 J. H. Colson.
 N. J. Wicker.
 W. J. Epperson.
 J. H. Scales.

REFORESTRATION AND AGRICULTURE.

M. O. Overstreet, Chairman.
 W. P. Shelley.
 H. G. Putnam.
 N. J. Wicker.
 W. J. Epperson.
 W. A. MacWilliams.
 D. N. Cone.

RULES AND PROCEDURE.

J. B. Johnson, Chairman.
 Jno. S. Taylor.
 R. H. Rowe.
 H. H. Wells.
 D. E. Knight.

STATE INSTITUTIONS.

W. A. Russell, Chairman.
 W. H. Malone.
 T. J. Campbell.
 W. W. Phillips.
 T. J. Knabb.

TEMPERANCE.

J. M. Mitchell, Chairman.
 Jno. S. Taylor.
 B. H. Lindsey.
 W. J. Singletary.
 D. E. Knight.

Mr. Johnson moved that 200 copies of the Rules and Committee Assignments be printed for the use of the Legislators.

Which was agreed to and so ordered.

Mr. Johnson moved that the Senate do adjourn until 11 o'clock a. m. tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned until 11 o'clock Thursday, April 5, 1923.

Thursday, April 5, 1923

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Anderson, Butler, Campbell, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Putnam, Rowe, Russell Scales, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—31.

A quorum present.

Prayer by Chaplain.

Reading of the Journal was dispensed with.

The daily Journal of April 4th was corrected and, as corrected, was approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Campbell offered the following Resolution:

Senate Resolution No. 3—

Whereas, The Senators are often in need of the services of stenographers when the Senate is not in session in order to dispatch official business; and

Whereas, It has been often difficult for the Senators to secure such service during the reasonable work hours of